

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security

☐ Assumption of Executory Contract or Unexpired Lease

☐ Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Steven W Buzby**

Case No.: **19-20660**

Judge: **JNP**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: **8-19-2020**

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney TGE Initial Debtor: SWB Initial Co-Debtor _____

Part 1: Payment and Length of Plan

a. The debtor shall pay **\$1,000.00 Monthly** to the Chapter 13 Trustee, starting on **September 1, 2020** for approximately **45** remaining months for a total of 60 months. (**\$19,355.00 paid to date.**)

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☒ Sale of real property
Description: **43 Beaver Drive, Barrington NJ 08007**
Proposed date for completion: **February 1, 2021**

- ☐ Refinance of real property:
Description:
Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:
Debtor will pay quarterly property taxes post-petition until property sells.

Part 2: Adequate Protection

NONE

a. Adequate protection payments will be made in the amount of **\$ 803.49** to be paid to the Chapter 13 Trustee and disbursed starting September 1, 2020 and post confirmation of modified plan until the property sells to **NewRez LLC d/b/a Shellpoint Mortgage Servicing.** (creditor).

b. Adequate protection payments will be made in the amount of \$_____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor | Type of Priority | Amount to be Paid |
|------------------------|-----------------------------------|-------------------|
| McDowell Law PC | Supplemental Attorney Fees | \$1,200.00 |
| McDowell Law PC | Attorney Fees | \$4,112.00 |
| | | |
| | | |
| | | |

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

| Creditor | Type of Priority | Claim Amount | Amount to be Paid |
|----------|------------------|--------------|-------------------|
|----------|------------------|--------------|-------------------|

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|----------|----------------------------|-----------|----------------------------|---|--|
|----------|----------------------------|-----------|----------------------------|---|--|

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|----------|----------------------------|-----------|----------------------------|---|--|
|----------|----------------------------|-----------|----------------------------|---|--|

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

| Name of Creditor | Collateral | Interest Rate | Amount of Claim | Total to be Paid through the Plan Including Interest Calculation |
|------------------|------------|---------------|-----------------|--|
|------------------|------------|---------------|-----------------|--|

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to Be Paid |
|----------|------------|----------------|------------------------|----------------|--|----------------------|-------------------------|
|----------|------------|----------------|------------------------|----------------|--|----------------------|-------------------------|

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|----------|------------------------------|---------------------------------|--------------------------|
|----------|------------------------------|---------------------------------|--------------------------|

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ☐ NONE

| Creditor | Collateral | Total Amount to be Paid through the Plan |
|--|--------------------------------------|--|
| Department of Treasury - IRS - POC 1/consent order | 43 Beaver Drive, Barrington NJ 08007 | \$36,660.21 |
| CCMUA - POC 6 | 43 Beaver Drive, Barrington NJ 08007 | \$907.58 |
| MTAG Custodian for FIG Capital Investment NJ 13, LLC - POC 4 | 43 Beaver Drive, Barrington NJ 08007 | \$21,736.82 - interest adjusted through date of sale |
| Cooperative Business Association - POC 5 | 43 Beaver Drive, Barrington NJ 08007 | \$55,919.06 |
| New Residential Mortgage LLC - POC 3 | 43 Beaver Drive, Barrington NJ 08007 | \$57,908.63 |

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☒ Not less than 100% percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

| Creditor | Basis for Separate Classification | Treatment | Amount to be Paid |
|----------|-----------------------------------|-----------|-------------------|
|----------|-----------------------------------|-----------|-------------------|

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

| | | | | |
|----------|-----------------------------|-----------------------------|---------------------|-----------------------|
| Creditor | Arrears to be Cured in Plan | Nature of Contract or Lease | Treatment by Debtor | Post-Petition Payment |
|----------|-----------------------------|-----------------------------|---------------------|-----------------------|

Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the Property | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒
NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor's Interest in Collateral | Total Amount of Lien to be Reclassified |
|----------|------------|----------------|------------------------|----------------|--|---|
|----------|------------|----------------|------------------------|----------------|--|---|

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Amount to be Deemed Secured | Amount to be Reclassified as Unsecured |
|----------|------------|----------------|------------------------|-----------------------------|--|
|----------|------------|----------------|------------------------|-----------------------------|--|

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions

- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: **8-19-2020**.

| Explain below why the plan is being modified: | Explain below how the plan is being modified: |
|--|--|
| The plan will extend the time to sell the property at 43 Beaver Drive by 6 months and offer adequate protection to NewRez LLC d/b/a Shellpoint Mortgage Servicing of \$803.49 which represents the current payment on the mortgage in the "Notice of Mortgage Payment Change" filed on 5-6-20. The plan filed on 8-3-20 was withdrawn because Debtor lost his job and can no longer pay \$1,500 per month. | The plan will extend the time to sell the property at 43 Beaver Drive by 6 months and offer adequate protection to NewRez LLC d/b/a Shellpoint Mortgage Servicing of \$803.49 which represents the current payment on the mortgage in the "Notice of Mortgage Payment Change" filed on 5-6-20. The plan filed on 8-3-20 was withdrawn because Debtor lost his job and can no longer pay \$1,500 per month. |

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: August 19, 2020 /s/ Steven W Buzby
Steven W Buzby
 Debtor

Date: _____ Joint Debtor

Date: August 19, 2020 /s/ Thomas G. Egner, Esq.

Thomas G. Egner, Esq.
Attorney for the Debtor(s)

Certificate of Notice Page 8 of 9

United States Bankruptcy Court
District of New JerseyIn re:
Steven W. Buzby
DebtorCase No. 19-20660-JNP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 26

Date Rcvd: Aug 21, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 23, 2020.

db
518268383 +Steven W. Buzby, 43 Beaver Drive, Barrington, NJ 08007-1407
518560102 +Borough of Barrington, Tax Office, 229 Trenton Ave, Barrington, NJ 08007-1144
518557975 CAMDEN COUNTY MUA, 1145 FERRY AVE., CAMDEN, NJ 08104
518520319 Camden County MUA, P.O Box 1105, Bellmawr, NJ 08099-5105
+Cooperative Business Assistance Corporation, c/o Saldutti Law Group,
800 Kings Highway N., Suite 300, Cherry Hill, NJ 08034-1511
518268385 +Cooperative Business Corp, 328 Market St., Camden, NJ 08102-1524
518268386 +Ditech, Attn: Bankruptcy, Po Box 6172, Rapid City, SD 57709-6172
518343103 +Ditech Financial LLC, Kevin G. McDonald, Esquire, 216 Haddon Avenue, Ste. 406,
Westmont, NJ 08108-2812
518393625 #Ditech Financial LLC, P.O. Box 12740, Tempe, AZ 85284-0046
518268387 +Equifax Information Services, PO Box 740241, Atlanta, GA 30374-0241
518268388 +Experian, PO Box 4500, Allen, TX 75013-1311
518268390 #+KML Law Group, PC, 216 Haddon Ave., Suite 406, Westmont, NJ 08108-2812
518657085 New Residential Mortgage LLC, P.O. Box 10826, Greenville, SC 29603-0826
518657086 New Residential Mortgage LLC, P.O. Box 10826, Greenville, SC 29603-0826
New Residential Mortgage LLC, P.O. Box 10826, Greenville, SC 29603-0826
518270514 +Orion, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
518268391 +State of New Jersey Division of Taxation, Bankruptcy Section, PO Box 245,
Trenton, NJ 08695-0245
518268392 +TFS Cust for FIG CAP INV NJ13, PO Box 54472, New Orleans, LA 70154-4472
518268393 +TransUnion, PO Box 2000, Chester, PA 19016-2000

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 22 2020 00:56:34 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Aug 22 2020 00:56:29 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
cr +E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Aug 22 2020 00:56:05
Americredit Financial Services, Inc., d/b/a GM Fin, 4000 Embarcadero Dr.,
Arlington, TX 76014-4101
518294355 E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Aug 22 2020 00:56:05
AmeriCredit Financial Services, Inc., dba GM Financial, P O Box 183853,
Arlington, TX 76096
518268382 +E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Aug 22 2020 00:56:05
AmeriCredit/GM Financial, Attn: Bankruptcy, Po Box 183853, Arlington, TX 76096-3853
518268384 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 22 2020 01:06:59 Capital One,
Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
518268389 +E-mail/Text: sbse.cio.bnc.mail@irs.gov Aug 22 2020 00:56:01 Internal Revenue Service,
Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
518394489 E-mail/Text: ar@figadvisors.com Aug 22 2020 00:57:04
MTAG Custodian for FIG Capital Investments NJ13, L, PO Box 54472,
New Orleans Louisiana 70154-4472

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr* +Cooperative Business Assistance Corp., c/o Saldutti Law Group,
800 Kings Highway N., Suite 300, Cherry Hill, NJ 08034-1511
518376846* ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
(address filed with court: Americredit Financial Services, Inc., Dba GM Financial,
P.O Box 183853, Arlington, TX 76096)
518559146* Camden County MUA, PO Box 1105, Bellmawr, NJ 08099-5105

TOTALS: 0, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 26

Date Rcvd: Aug 21, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 23, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 21, 2020 at the address(es) listed below:

Aleisha Candace Jennings on behalf of Creditor New Residential Mortgage LLC
ajennings@rasflaw.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecmail@standingtrustee.com,
summarymail@standingtrustee.com
John R. Morton, Jr. on behalf of Creditor Americredit Financial Services, Inc., d/b/a GM
Financial ecmail@mortoncraig.com, mortoncraigecf@gmail.com
Kevin Gordon McDonald on behalf of Creditor Ditech Financial LLC kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com
Phillip Andrew Raymond on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing
phillip.raymond@mccalla.com, mccallaecf@ecf.courtdrive.com
Rebecca K. McDowell on behalf of Creditor Cooperative Business Assistance Corp.
rmcdowell@slgcollect.com
Thomas G. Egner on behalf of Debtor Steven W. Buzby tegner@mcdowelllegal.com,
tcuccuini@mcdowelllegal.com; lwood@mcdowelllegal.com; kgresh@mcdowelllegal.com; kbrosious@mcdowelllegal.com; djamison@mcdowelllegal.com; cgetz@mcdowelllegal.com; egnertr62202@notify.bestcase.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10